

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

MOUNTAIN VALLEY PIPELINE, LLC,

Plaintiff,

v.

Civil Action No. 2:17-cv-04214

AN EASEMENT TO CONSTRUCT,  
OPERATE AND MAINTAIN A 42-INCH  
GAS TRANSMISSION LINE ACROSS  
PROPERTIES IN THE COUNTIES OF  
NICHOLAS, GREENBRIER, MONROE,  
and SUMMERS, WEST VIRGINIA, et  
al.,

Defendants.

ORDER

Pending is the "Notice of Deposition Pursuant to Federal Rule of Civil Procedure 30(b)(6)," filed by defendant Western Pocahontas Properties Limited Partnership ("Western") on January 8, 2018. Plaintiff Mountain Valley Pipeline, LLC, ("MVP") filed an objection on January 10, 2018, and Western filed a response that same day.

Three parallel condemnation actions filed by MVP are currently pending in the Northern District of West Virginia, the Southern District of West Virginia, and the Western District of Virginia. MVP made its project manager, Robert Cooper, available on January 9, 2018, in Roanoke, Virginia, for deposition by counsel in all three actions. In an attempt to

accommodate all counsel, MVP arranged for distant parties to attend the deposition by video conference or by telephone.

According to Western's counsel, George A. Patterson III, inclement weather prevented him from attending the Roanoke deposition in person, so he attended by video. (Western Resp. 2.) Mr. Patterson states that the counsel in the Virginia action were granted priority in questioning Mr. Cooper because a hearing is scheduled in the Virginia action on January 12, 2018. (Id.) He further states that counsel in the Virginia action deposed Mr. Cooper "from approximately 9:30 am to 7:30 pm," that he then attempted to ask Mr. Cooper questions, that "the video conference had been muted" at the time by someone else, and that "[c]ounsel for MVP very quickly terminated the deposition." (Id.) Western now requests "that the discovery deadline be extended and the deposition occur on Monday January 15, 2018, in Charleston, West Virginia, at the offices of" Mr. Patterson, who is an attorney at Bowles Rice, LLP. (Id. 2-3.)

At the scheduling conference held with the court on December 14, 2017, the court expressed its approval that the parties in this action would have the opportunity to depose Mr. Cooper during the Roanoke deposition. However, the court also conveyed that should such opportunity fail to materialize, the court would consider ordering that a second deposition take place in Charleston, West Virginia.

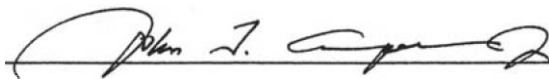
Accordingly, it is ORDERED that a deposition shall take place on January 15, 2018, at the offices of Bowles Rice, LLP, in Charleston, West Virginia. The parties are directed to set a time for the deposition that best accommodates all parties to this action who want to attend that day. Presumably, MVP will produce Mr. Cooper, as it did for the Roanoke deposition; however, pursuant to Federal Rule of Civil Procedure 30(b)(6), MVP "must . . . designate one or more officers, directors, or managing agents, or . . . other persons who consent to testify on its behalf."

It is further ORDERED that the schedule in this case be, and hereby is, modified as follows:

Deadline	Date
Response to dispositive motion on condemnation and immediate possession	01/19/2018
Reply to response to dispositive motion on condemnation and immediate possession	01/26/2018

The Clerk is directed to forward copies of this written order to all counsel of record and to any unrepresented parties.

ENTER: January 11, 2018

  
John T. Copenhaver, Jr.  
United States District Judge